

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PENN MILLERS INSURANCE COMPANY,

Plaintiff/Counterclaim Defendant,

v.

NORTHEAST NEBRASKA BIODIESEL
LLC,

Defendant/Counterclaim-Plaintiff,

and

NORTHEAST NEBRASKA BIODIESEL
LLC,

Third-Party Plaintiff,

v.

AMERICAN INTERNATIONAL
SPECIALTY LINES INSURANCE
COMPANY,

Third-Party Defendant.

Case No. 8:09-cv-339

ORDER OF DISMISSAL

This matter is before the court on Plaintiff/Counterclaim-Defendant Penn Millers Insurance Company (“Penn Millers”) and Defendant/ Counterclaim-Plaintiff Northeast Nebraska Biodiesel LLC’s (“NNB”) stipulation of dismissal (Dkt #18). Based upon the agreement and stipulation of the parties,

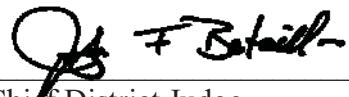
IT IS ORDERED that

1. The stipulation of dismissal is hereby approved;
2. Penn Millers’ complaint (Dkt #1) and NNB’s counterclaim (Dkt #12) are hereby dismissed with prejudice, with each party paying its own costs; and

3. NNB's third-party complaint (Dkt #12) against American International Specialty Lines Insurance Company is hereby dismissed without prejudice.

Dated this 7th January, 2010.

BY THE COURT:



John F. Batten
Chief District Judge